

REMARKS

Allowable Subject Matter

Applicants have accepted the suggestion that the Examiner made on page 10 of the final Office Action with regard to the allowability of claims 13,14,15,32,33, and 34 if rewritten in independent form. These claims have now been rewritten in independent form to incorporate the limitations of the claims from which they formerly depended.

The Rejections Under 35 USC Section 102(b)

In response to the rejections of claims 46 and 49 as anticipated by Biemann, Applicants have amended claims 46 and 49 so specify that the invention is utterly distinct from Biemann in that the invention utilized a non-metallized polycarbonate disc which corresponds to the substrate of a commercially available CD prior to metallization. By contrast, as explained in Applicants Response to the last Office Action, Biemann requires a reflective metallized disc. The arguments Applicants made in their previous Response are summarized below for convenience.

“Discs as in Biemann are necessarily metallic owing to the fact that the primary consideration is maximizing their suitability for IR spectroscopy. By contrast, the Inventors have found that polycarbonate plastic covered discs such as those of the invention are optimal for mass spectrometry. Biemann, although mentioning the possibility of mass spectrometry in his disclosure is guided by the consideration of maximizing the suitability for optical analysis and does not disclose such a (non-metallized) plastic CD. Accordingly, Applicants request

withdrawal of the rejection and reconsideration of the claims. “

Applicants have added language to the claims that specifies the disc for use in the invention are “being constructed from a dielectric material”. The dictionary definition of dielectric is as follows.

dielectric \Di`e*lec"tric\, n. Any substance or medium that transmits the electric force by a process different from conduction, as in the phenomena of induction; a nonconductor. separating a body electrified by induction, from the electrifying body. (Source: Webster's Revised Unabridged Dictionary)

Applicants have now further made the distinction between the (necessarily) metallized finished CDs of Biemann and the polycarbonate substrate for use in the invention clear in the Amendments to the Specification and have added a protocol for removing the metallic layer of a finished commercial CD in order to recover the substrate. Furthermore, forwarded herewith is a copy of Applicants' research paper which is the source of the protocol and contains a description of the polycarbonate discs and the necessity of using them as such in the invention. Accordingly, Applicants strongly believe and seek to convince the Examiner that the invention as now claimed in amended independent claims 46 and 49 is not anticipated by Biemann. Withdrawal of the rejections and allowance of the claims is requested.

The Rejections Under 35 USC Section 103

Claims 1-4,10,20-23,25-26, and 40 were rejected under this section. In so far as all of the rejections made under this section rely on Biemann to make obvious claim 1 and its dependent claims, the arguments made above are applicable. More specifically,

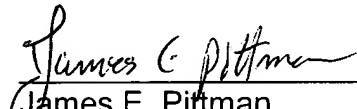
Biemann does not and cannot render obvious claim 1 because the CDs for use in Biemann are inappropriate for the invention. Because, as explained previously, the reflectiveness of CDs for use in Biemann facilitate Fourier Transform and other IR spectroscopy, it is an essential characteristic. There is not and would not be any suggestion to use a non-metallized polycarbonate substrate as in the inv. Accordingly, it would not have been obvious to one ordinarily skilled in the art to use a polycarbonate substrate on a rotating CD for spectrometry as in the invention. Applicants request withdrawal of the rejections and allowance of the claims.

CONCLUSION

No fees other than the fee for a one month extension are believed to be necessitated by the foregoing Response and Amendment. However, should this be erroneous, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment, or credit any overages. In the event that a telephone call to the undersigned could be expected to be helpful in resolving any outstanding issues, the Examiner is invited to call the undersigned at (201) 487-5800 extension 108.

Respectfully submitted,

KLAUBER & JACKSON


James E. Pittman
Registration No. 47,860

Continental Plaza
411 Hackensack Avenue
Hackensack, New Jersey 07601
(201) 487-5800
Enclosure